

1 Bill No. X-83-*06-18*

2 ANNEXATION ORDINANCE NO. X-*03-83*

3 AN ORDINANCE repealing Annexation
4 Ordinance No. X-9-65

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

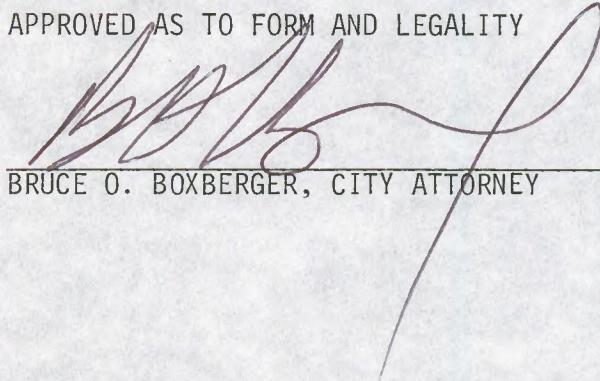
7 SECTION 1. That Annexation Ordinance No. X-9-65 is hereby
8 repealed. Said Ordinance proposed to annex the following territory:

9 Beginning at a point formed by the intersection
10 of the present city limits and the south right-of-way
11 line of Arthur Street; thence west along the south
12 right-of-way line of Arthur Street to the east right-
13 of-way line of the Hatfield Road; thence south along
14 the east right-of-way line of the Hatfield Road to the
15 north right-of-way line of U.S. #30 & #33; thence
16 northwest along the north right-of-way line of U.S.
17 #30 & #33 to the south right-of-way line of Interstate
18 Highway #69; thence along the south right-of-way line
19 of Interstate Highway #69 to a point formed by the
20 intersection of the south right-of-way line of Inter-
21 state Highway #69 and a line formed by the extension
22 of the north right-of-way line of the California
23 Road; thence along the extended line and the north
24 right-of-way line to the west right-of-way line of
25 U.S. #30 & #33; thence southeast along the west right-
26 of-way line of U.S. #30 & #33 to the south right-of-
27 way line of the California Road or U.S. #30 Bypass;
28 thence east along the south right-of-way line of the
29 U.S. #30 Bypass to the present city limits; thence
30 north to the place of beginning.

SECTION 2. This Ordinance shall be in full force and
effect from and after its passage, approval by the Mayor and any required
legal publication thereof.

24 *Janet G. Bradbury*
25 COUNCILMEMBER

27 APPROVED AS TO FORM AND LEGALITY

28 
29 BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Broadbrey, seconded by Gia Quinta, and duly adopted, read the second time by title and referred to the Committee Annexation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock M., E.S.T.

DATE: 6-14-83

Sandra F. Kennedy
CITY CLERK

Read the third time in full and on motion by Broadbrey, seconded by Gia Quinta, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>BRADBURY</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>BURNS</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>EISBART</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>GiaQUINTA</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCHMIDT</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCHOMBURG</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCRUGGS</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>STIER</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>TALARICO</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>

DATE: 6-28-83

Sandra F. Kennedy
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. X-03-83 on the 28th day of June, 1983.

ATTEST:

(SEAL)

Sandra F. Kennedy
CITY CLERK

Ray A. Ebbek
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of June, 1983, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra F. Kennedy
CITY CLERK

Approved and signed by me this 30th day of June, 1983, at the hour of 4 o'clock P M., E.S.T.

Win Moses Jr.
WIN MOSES, JR. - MAYOR

6296



The City of Fort Wayne

X-83-06-18

May 30, 1983

Dear Council Members:

On November 9, 1965, the Common Council adopted the Lincolndale Annexation Ordinance (X-9-65). Later that year, a remonstrance was filed against the annexation and the case has been in court since that time.

Because of the many changes in annexation law since 1965 and because there is nobody left in the Department who can testify in favor of this annexation, we believe that the best course of action is to repeal the annexation ordinance and to present a new ordinance which conforms to the existing state annexation statute. Therefore, I request that Ordinance X-9-65 be repealed. A new ordinance annexing this area will be submitted soon.

Sincerely,

Abraham K. Farkas, Director
Community Development and Planning

X-83-06-18

TITLE OF ORDINANCE Ordinance Repealing Lincolndale Annexation OrdinanceDEPARTMENT REQUESTING ORDINANCE Community Development and PlanningSYNOPSIS OF ORDINANCE Ordinance repeals the Lincolndale Annexation Ordinance (X-9-65) which was passed by the Common Council on November 9, 1965. After the property owners in the area filed a remonstrance in December of 1965, the case went to court and has been there since 1965.EFFECT OF PASSAGE It will allow the City to attempt to annex the area again.EFFECT OF NON-PASSAGE The City will have to pursue the case in court and, if the case is lost, the City will be prevented from trying to annex the area for a two year period.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

ASSIGNED TO COMMITTEE (J.N.) Annexation



The City of Fort Wayne

July 6, 1983

Ms. Linda King
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. King:

Please give the attached full coverage on the dates of July 9 and July 16, 1983, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. X-83-06-18
Annexation Ordinance No. X-03-83

Please send us 5 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 28th day of June, 1983, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following X-03-83 Annexation Ordinance to-wit:

1 Bill No. X-83-06-18

2 ANNEXATION ORDINANCE NO. X-03-83

3 AN ORDINANCE repealing Annexation
4 Ordinance No. X-9-65

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

7 SECTION 1. That Annexation Ordinance No. X-9-65 is hereby
8 repealed. Said Ordinance proposed to annex the following territory:

9 Beginning at a point formed by the intersection
10 of the present city limits and the south right-of-way
11 line of Arthur Street; thence west along the south
12 right-of-way line of Arthur Street to the east right-
13 of-way line of the Hatfield Road; thence south along
14 the east right-of-way line of the Hatfield Road to the
15 north right-of-way line of U.S. #30 & #33; thence
16 northwest along the north right-of-way line of U.S.
17 #30 & #33 to the south right-of-way line of Interstate
18 Highway #69; thence along the south right-of-way line
19 of Interstate Highway #69 to a point formed by the
20 intersection of the south right-of-way line of Inter-
21 state Highway #69 and a line formed by the extension
22 of the north right-of-way line of the California
23 Road; thence along the extended line and the north
24 right-of-way line to the west right-of-way line of
25 U.S. #30 & #33; thence southeast along the west right-
 of-way line of U.S. #30 & #33 to the south right-of-
 way line of the California Road or U.S. #30 Bypass;
 thence east along the south right-of-way line of the
 U.S. #30 Bypass to the present city limits; thence
 north to the place of beginning.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and any required legal publication thereof.

24 *Janet G. Bradbury*
25 COUNCILMEMBER

Read the third time in full and on motion by Bradbury, seconded by GiaQuinta, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Schmidt,
Schomburg, Scruggs, Stier, Talarico

Nays: None

Date: 6-28-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-03-83 on the 28th day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Date: 6-28-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as Annexation Ordinance No. X-03-83 on the 28th
day of June, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Ben A. Eisbart
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 29th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 30th day of June, 1983, at the
hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify
that the above and foregoing is a full, true and complete copy
of Annexation Ordinance No. X-03-83 passed by the
Common Council on the 28th day of June, 1983, and
that said Ordinance was duly signed and approved by the Mayor on the
30th day of June, 1983 and now remains on
file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne,
Indiana, this 30th day of June, 1983.

SEAL

Sandra E. Kennedy

CITY CLERK

Fort Wayne Common Council
(Governmental Unit)

Allen County, Ind

To NEWS-SENTINEL Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head	number of lines	1
Body	number of lines	111
Tail	number of lines	2
	number of lines in notice	114

LEGAL NOTICE
Notice is hereby given that on the 28th day of June 1983, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. X-83-06-18 X-03-83 Annexation Ordinance to-wit:

BILL NO. X-83-06-18
ANNEXATION ORDINANCE
NO. X-03-83
AN ORDINANCE
repealing Annexation

Ordinance No. X-9-65
BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:
SECTION 1. That Annexation Ordinance No. X-9-65 is hereby repealed. Said Ordinance proposed to annex the following territory: Beginning at a point formed by the intersection of the present city limits and the south right-of-way line of Arthur Street; thence west along the south right-of-way line of Arthur Street to the east right-of-way line of the Hatfield Road; thence south along the east right-of-way line of the Hatfield Road to the north right-of-way line of U.S. #30 & #33; thence northwest along the north right-of-way line of U.S. #30 & #33 to the south right-of-way line of Interstate Highway #69; thence along the south right-of-way line of Interstate Highway #69; thence along the south right-of-way line of Interstate Highway #69 to a point formed by the intersection of the south right-of-way line of Interstate Highway #69 and a line formed by the extension of the north right-of-way line of the California Road; thence along the extended line and the north right-of-way line to the west right-of-way line of U.S. #30 & #33; thence southeast along the west right-of-way line of U.S. #30 & #33 to the south right-of-way line of the California Road or U.S. #30 Bypass; thence east along the south right-of-way line of the U.S. #30 Bypass to the present city limits; thence north to the place of beginning.
SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and any required legal publication thereof.

Janet G. Bradbury
COUNCILMEMBER
Reed the third time in full end on motion by Bradbury, seconded by Gia Quinte, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine
Bradbury, Burns, Eisbert, Gie-
Quinte, Schmidt, Schomburg,
Scruggs, Stier, Talarico
Nays: None
Date: 6-28-83

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-03-83 on the 28th day of June, 1983.

ATTEST: (SEAL)
Sandra E. Kennedy
City Clerk

Ben A. Eisbert
Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk
Approved and signed by me this 30th day of June, 1983, at the hour of 4:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-03-83 passed by the Common Council on the 28th day of June, 1983, and that said Ordinance was duly signed and approved by the Mayor on the 30th day of June, 1983 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 30th day of June, 1983.

SEAL
Sandra E. Kennedy
CITY CLERK

7/2/83

es, 1 columns wide equals 114 equivalent lines at323¢ \$ 36.82
per line

for notices containing rule or tabular work (50 per cent of above amount)

Proofs of publication (50 cents for each proof in excess of two) 3 extra

MOUNT OF CLAIM.

ST

Column 9.6 picas	Size of type 6 point
2	Size of quad upon which type is cast 6

Duties of Ch. 89., Acts 1967.

Account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

Drusilla Roose

83 Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL

2..... newspaper of general circulation printed and published

in the English language in the city town of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows:

7/9 - 7/16/83

Subscribed and sworn to me before this 16th day of July 1983

Drusilla Roose

Notary Public
My commission expires November 29, 1985

Anne M. Reckins

Fort Wayne Common Council

(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

1

Body number of lines

111

Tail number of lines

2

LEGAL NOTICE

Notica is hereby given that on the 28th day of June 1983, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. X-83-06-18 X-03-83 Annexation Ordinance to-wit:

Bill No. X-83-06-18
ANNEXATION ORDINANCE

NO. X-03-83

AN ORDINANCE

repealing Annexation

Ordinance No. X-9-65

BE IT ORDAINED BY THE COMMON

COUNCIL OF THE CITY OF FORT

WAYNE, INDIANA:

SECTION 1. That Annexation Ordinance No. X-9-65 is hereby repealed. Said Ordinance proposed to annex the following territory:

Beginning at a point formed by the intersection of the present city limits and the south right-of-way line of Arthur Street; thence west along the south right-of-way line of Arthur Street to the east right-of-way line of the Hatfield Road; thence south along the east right-of-way line of the Hatfield Road to the north right-of-way line of U.S. #30 & #33; thence northwest along the north right-of-way line of U.S. #30 & #33 to the south right-of-way line of Interstate Highway #69; thence along the south right-of-way line of Interstate Highway #69; thence along the south right-of-way line of Interstate Highway #69 to a point formed by the intersection of the south right-of-way line of Interstate Highway #69 and a line formed by the extension of the north right-of-way line of the California Road; thence along the extended line and the north right-of-way line to the west right-of-way line of U.S. #30 & #33; thence southeast along the west right-of-way line of U.S. #30 & #33 to the south right-of-way line of the California Road or U.S. #30 Bypass; thence east along the south right-of-way line of the U.S. #30 Bypass to the present city limits; thence north to the place of beginning.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and any required legal publication thereof.

D. Janet G. Bradbury

COUNCILMEMBER

I Read the third time in full and on motion by Bradbury, seconded by Gia Quinta, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes Nine
Bradbury, Burns, Eisbart, Gia-
Quinta, Schmidl, Schomburg,
Scruggs, Stier, Talarico

Nays: None

Date: 6-28-83

Sandra E. Kennedy

City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-03-83 on the 28th day of June, 1983.

ATTEST: (SEAL)

Sandra E. Kennedy

City Clerk

Ban A. Eisbart

Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of June, 1983, at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy

City Clerk

Approved and signed by me this

30th day of June, 1983, at the hour of

4:00 o'clock P.M., E.S.T.

Win Moses, Jr.

Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-03-83 passed by the Common Council on the 28th day of June, 1983, and that said Ordinance was duly signed and approved by the Mayor on the 30th day of June, 1983 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 30th day of June, 1983.

SEAL

Sandra E. Kennedy

CITY CLERK

7/9-16/83

number of lines in notice

1 columns wide equals 114 equivalent lines at .323¢ \$ 36.82

or notices containing rule or tabular work (50 per cent of above amount)

Proofs of publication (50 cents for each proof in excess of two) 3 extra

1.50

38.32

\$ _____

MOUNT OF CLAIM.

T umn 9.6 picas Size of type 6 point

5 Size of quad upon which type is cast 6

ties of Ch. 89., Acts 1967.

I declare under penalty of perjury that the amount claimed is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

Drusilla Roose

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned..... Drusilla Roose who, being duly sworn, says

that she is of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published

in the English language in the city town of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being

as follows: 7/9 - 7/16/83

Drusilla Roose

Subscribed and sworn to me before this 16th day of July 1983

Spirne M. Perkins

Notary Public

My commission expires November 29, 1985

Fort Wayne Common Council
(Governmental Unit)

To..... NEWS-SENTINEL..... Dr.

NEWS-SENTINEL

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

COMPUTATION OF CHARGES

114 lines, 1 columns wide equals 114 equivalent lines at .323¢ \$ 36.82
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)
Charge for extra proofs of publication (50 cents for each proof in excess of two) ³ extra

TOTAL AMOUNT OF CLAIM **38.32**

DATA FOR COMPUTING COST

Width of single column 9.6 picas Size of type 6 points

Number of insertions 2 Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89, Acts 1962

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

July 16 83

Title CLERK

Form 903

PUBLISHER'S AFFIDAVIT

PU
State of Indiana
ALLEN County SS

Personally appeared before me, a notary public in and for said county and state, the undersigned.....Drusilla Roose.....who, being duly sworn, says
that she is.....CLERK.....of the.....

2..... DAILY newspaper of general circulation printed and published
in the English language in the city FORT WAYNE, INDIANA
town
in state and county aforesaid, and that the printed matter attached hereto is a true copy,
which was duly published in said paper for TWO TIMES , the dates of publication being

Subscribed and sworn to me before this 16th day of July 1881 83

My commission expires November 29, 1985 Notary Public

Fort Wayne Common Council
(Governmental Unit)

Allen County, Ind.

To **JOURNAL-GAZETTE** Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

1

Body number of lines

111

Tail number of lines

2

Total number of lines in notice

114

COMPUTATION OF CHARGES

114 lines,	1 columns wide equals	114 equivalent lines at .323¢	\$ 36.82
		cents per line	

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)	3 extra	1.50
		\$ 38.32

TOTAL AMOUNT OF CLAIM.

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions **5**

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date **July 16, 1983**

Title CLERK

Form 904



PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County ss.

Personally appeared before me, a notary public in and for said county and state, the undersigned..... **Drusilla Roose** who, being duly sworn, says

that she is..... **CLERK** of the

JOURNAL-GAZETTE

DAILY

in the English language in the city of **FORT WAYNE, INDIANA**

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **two times** the dates of publication being

as follows: **7/9 - 7/16/83**

Drusilla Roose

Subscribed and sworn to me before this **16th** day of **July**, 19**83**

Spirne M. Perkins

Notary Public

My commission expires **November 29, 1985**

was duly signed and approved by the Mayor on the 30th day of June, 1983 and now remains on file and on record in my office.
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 30th day of June, 1983.
SEAL
Sandra E. Kennedy
CITY CLERK
7/9-16